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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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25943	7590	10/03/2005		
SCHWABE, WILLIAMSON & WYATT, P.C. PACWEST CENTER, SUITE 1900 1211 SW FIFTH AVENUE PORTLAND, OR 97204			EXAMINER BASOM, BLAINE T	
			ART UNIT	PAPER NUMBER
			2173	

DATE MAILED: 10/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/661,598

Applicant(s)

NAKAJIMA, SATOSHI

Examiner

Blaine Basom

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 July 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 10-15, 17-21, 25-36 and 40-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 10-15, 17-21, 25-36 and 40-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 September 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

This Office action is responsive to the Request for Continued Examination (RCE) filed under 37 CFR §1.53(d) for the instant application on 7/11/2005. The Applicants have properly set forth the RCE, which has been entered into the application, and an examination on the merits follows herewith.

Response to Arguments

The Examiner acknowledges the Applicant's amendments to claims 1-4, 10-15, 17-19, 25-34, 40-41, and 43-44, in addition to the Applicant's cancellation of claims 9, 16, 24, and 39. Regarding the pending claims, the Applicant argues that neither Cook (U.S. Patent No. 6,178,432 to Cook et al.) nor Smith (U.S. Patent No. 6,222,537 to Smith et al.), presented in the previous Office Action, teach or suggest the claimed plurality of display state definitions correspondingly defining a plurality of instantiations of a user interface of an application corresponding to a plurality of display states of the user interface, as added by amendment. In response, the Examiner presents the WML specification ("Wireless Application Protocol Wireless Markup Language Specification," Version 10-Apr-1998), which as shown below, teaches such display state definitions. Accordingly, the Applicant's arguments have been considered, but are moot in view of the following new grounds of rejection.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 15, 17-21, and 25 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Each of claims 15 and 25 recite “a product comprising: a first plurality of programming instructions...and a second plurality of programming instructions.” As such a first and second plurality of programming instructions are not tangibly embodied, the claimed product is considered non-statutory. As claims 17-21 depend on claim 15, and include all of the limitations of claim 15, claims 17-21 are similarly directed to non-statutory subject matter.

Claim Objections

Claims 1, 2, 10, 11, 15, 26, and 30 are objected to because they comprise minor grammatical errors. Claims 1 and 30 each recite “an user interface.” Claim 2, recites “one ore more display cell definitions.” Claim 10 recites “for an user interaction.” Claim 11 recites “ first instantiation of the a user interface.” Claim 15 recites “with an user interaction.” Claim 26 recites “of an user interface.” Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6, 10-15, 17-21, 25-36, and 40-44 are rejected under 35 U.S.C. 102(b) as being anticipated by the Wireless Markup Language (WML), as described by the “Wireless Application Protocol Wireless Markup Language Specification,” Version 10-Apr-1998 (hereafter referred to as “the WML specification”). In general, WML is a markup language that is used for specifying content and user interfaces for “narrowband devices,” such as cellular phones, pagers, and personal digital assistants (for example, see section 1, on page 5 of the WML specification). It is understood that WML is implemented on the World Wide Web to define such user interfaces, which like web pages, are transmitted from a remote server to the user’s narrowband device (for example, see section 5, on page 10).

Specifically regarding claims 1 and 30, WML employs a “deck” and “card” organizational metaphor (for example, see section 1, on page 5). A WML card specifies a single unit of user interaction, i.e. a display screen, and is therefore considered to correspond to a display state of a user interface. A WML card may contain, for example, information to present to the user and instructions for gathering user input (see the definition of “Card,” provided in section 4.1 on page 8). A plurality of such WML cards may be grouped together and transmitted, as a single deck, from a remote server to the user’s narrowband device (for example, see section 1, on page 5). As such, WML cards are transmitted in advance to the narrowband

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device, before they are required to be displayed. While viewing a WML card, the user may navigate to another card in the same deck, or may navigate to another card in a different deck (for example, see section 1, on page 5). A user agent, such as a browser on the user's narrowband device, implements the display features and functionality of each WML card (for example, see the definition of "User Agent," provided in section 4.1 on page 8), and is therefore understood to determine which card to display in response to such user input. A narrowband device implementing a WML user interface thus entails: receiving, from a remote server, a deck having a plurality of WML cards, each card defining an instantiation of the user interface corresponding to a display state of the user interface, and whereby each card thus defines an instantiation of the user interface for a display state of the user interface; determining, locally by the user agent of the user's narrowband device, a current display state of the user interface, or in other words, determining a current card to display in response to user input; and provisioning by the user's narrow band device a current instantiation of the user interface in accordance with a first card corresponding to the determined current display state. Accordingly, the WML specification teaches a method like that of claim 1. A narrowband device implementing such a method is considered a client device, like that recited in claim 30.

As per claims 2-4 and 31-33, each WML card may comprise a plurality of displayed elements, considered "cells" like those of the claimed invention. For example, a WML card may comprise "select lists," specifying a plurality of options from which the user may choose (see section 11.6.2 on pages 32-35). A card may comprise an "INPUT element," which specifies a text entry object for the user to input data to the application (see section 11.6.3 on pages 35-37). A card may further comprise text and images to display to the user (for example, see sections

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11.8 and 11.9 on pages 39-44). Moreover, a card may comprise “GO” and “DO” elements, which may be implemented to generate a widget to navigate to other cards within the deck (for example, see section 9.4.1 on page 17, see section 9.6 on pages 19-21, and see section 11.2.1 on page 27). That is, a current WML card may be displayed in response to selecting such a widget, specified by corresponding “GO” and “DO” elements, of a previous card. Accordingly, the WML specification teaches that each card may have one or more display cell definitions correspondingly defining one or more display cells of a corresponding instantiation of the user interface, whereby determining a current card to display, i.e. a current display state, is made locally by the user’s narrowband device in accordance with a display cell definition, comprising the above described “GO” and “DO” elements, corresponding to an immediately preceding display state of an immediately preceding instantiation of the user interface, with which corresponding display cell the user interacted, as is expressed in claims 2 and 31. As such a display cell definition comprising “GO” and “DO” elements specifies a card to which to navigate (i.e. a current card), whereby the card corresponds to a display state of the user interface, this display cell definition is considered to include a state transition rule specifying the current display state of the user interface in the event a user interacts with the corresponding rendered display cell, like further recited in claims 2 and 31. As per claims 3-4 and 32-33, since a WML card may comprise a plurality of elements, i.e. display cells, the WML specification further teaches generating by the user’s narrowband device a first display cell and a second display cell of the current instantiation of the user interface in accordance with a first display cell definition and a second display cell definition, respectively, of the current card, like claimed.

Concerning claims 5 and 34, a deck of WML cards may comprise a “TEMPLATE” element which may specify various functional and display characteristics for all cards in the deck (for example, see section 11.4 on pages 29-30, and section 11.5.2.1 on page 32). Each card may inherit such display and functional characteristics, or override them (for example, see section 9.5 on pages 18-19). It is understood that such a “TEMPLATE” element, not being a card, is not displayed, and therefore, a template element is considered a “pseudo instantiation,” like that claimed. Accordingly, the WML specification teaches generating by the user’s narrowband device a portion of the current instantiation of the user interface with constituting contents inherited from a pseudo instantiation of the user interface, as is expressed in claims 5 and 34.

With respect to claims 6 and 35, a WML card corresponds to a display state of a user interface, as is described above. As further described above, a card may comprise “GO” and “DO” elements to generate a widget to navigate to other cards within the deck. In response to selecting the widget, the user’s narrowband device determines a current card to display in response to the user input, or in other words, determines a current display state. As such a card may not only be specified by a deck, but also a location within the deck (for example, see section 5.2 on page 10, and section 11.2.1 on page 27), its corresponding display state is considered “multidimensional” like recited in claims 6 and 35.

Regarding claim 36, the above described narrowband, i.e. client, device may be a wireless telephone or a palm-sized computing device (for example, see section 4.3 on page 9 of the WML specification).

With respect to claims 10 and 40, the WML specification, due to the reasons described above, is considered to teach: provisioning locally by a narrowband client device a first

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instantiation of a user interface of an application for a current display state of the user interface in accordance with a first WML card defining the first instantiation of the user interface for the current display state of the user interface; determining locally by the client device a next display state for the user interface based on a user's interaction with a display cell of the first instantiation of the user interface, and in accordance with a corresponding display cell definition, comprising "GO" and "DO" elements, of the first card defining the display cell, the display cell definition including at least one state transition rule specifying a next display state, i.e. a second card, of the user interface to be transitioned to in response to user interaction with the display cell; and provisioning by the client device a next instantiation of the use interface corresponding to the determined next display state of the user interface, in accordance with the second card, separate and distinct from the first card, defining the next instantiation of the user interface. Accordingly, the WML specification teaches a method like that of claim 10. A narrowband device implementing such a method is considered a client device, like that described in claim 40.

As per claim 11, 26, and 41, the WML specification, due to the reasons described above, is considered to teach: transmitting by a server to a remote narrowband client device, a first card defining a corresponding first instantiation of a user interface of an application for a first display state of the user interface, the first card specifying first constituting contents for a first plurality of display cells of the first instantiation of the user interface; transmitting by the server to the remote client device, the first constituting contents for the first plurality of display cells for rendering the first instantiation of the first user interface on the remote client device in accordance with the first card; transmitting within the same deck as the first card, by the server to the remote client device, a second card separate and distinct from the first card, the second card

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defining a corresponding second instantiation of the user interface for a second display state of the user interface, and specifying second constituting contents for a second plurality of display cells for the second instantiation of the user interface, the second display state resulting from a first user interaction with the first instantiation of the user interface; and transmitting further in advance by the server to the remote client device the second constituting contents of the second plurality of display cells for rendering the second instantiation of the user interface on the remote client device in accordance with the second card. Accordingly, the WML specification teaches a method like that of claim 11. A server implementing such a method is considered a server like that described in claims 26 and 41.

Referring to claims 12, 27, and 42, the WML specification, due to the reasons described above, is considered to further teach: transmitting by the server to the remote client device third constituting contents of a pseudo instantiation of the user interface, the pseudo instantiation specified by a "TEMPLATE" element, whereby the third constituting content is inherited while rendering the first and second instantiations of the user interface, in accordance with the first and second cards.

Regarding claims 13-14, 28-29, and 43-44, the WML specification, due to the reasons described above, is considered to teach first and second cards which correspondingly comprise first and second display cell definitions which correspondingly specify first and second constituting contents for a first and second plurality of display cells for first and second instantiations of the user interface, wherein the first and second display cell definitions further correspondingly specify states of the user interface, i.e. cards, to be transitioned to in the event of

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various user interactions with the corresponding first and second display cells at the respective first and second display states of the user interface.

Concerning claims 15 and 21, a browser on a user's narrowband device, because of the reasons described above, is considered to necessarily comprise: a first plurality of programming instructions to implement a user interface provision function equipped to determine a current display state for a user interface of an application, and to provision a current instantiation of the user interface in accordance with a first of a plurality of cards which correspondingly defines a first of a plurality of instantiations of the user interface corresponding to the determined current display state, to determine a next display state for the user interface in accordance with a user interaction with the current instantiation of the user interface and a first state transition rule of the first card, and to provision a next instantiation of the user interface in accordance with a second of the plurality of cards, separate and distinct from the first card, correspondingly defining a second of the plurality of instantiations of the user interface corresponding to the determined next display state; and a second plurality of programming instructions implementing at least one other product function, for example, to receive a deck of WML cards. Accordingly, the browser of a narrowband device, configured to receive and display WML cards, is considered a "product" like that of claim 15.

With respect to claims 17 and 18, the WML specification, because of the reasons described above, is considered to teach a first card having a plurality of display cell definitions correspondingly defining a plurality of display cells of the current instantiation of the user interface, whereby the current instantiation of the user interface is provisioned by generating a

first display cell and a second display cell of the current instantiation in accordance with a first and second display cell definition, respectively.

As per claim 19, the WML specification, due to the reasons described above, is considered to teach provisioning a current instantiation of a user interface by generating a portion of the current instantiation with constituting contents inherited from a pseudo instantiation, specified by a “TEMPLATE” element.

Concerning claim 20, the WML specification is considered to teach multi-dimensional display states, as is described above.

With respect to claim 25, a browser on a user’s narrowband device, because of the reasons described above, is considered to necessarily comprise: a first plurality of programming instructions to implement a user interface provision function equipped to provision a first instantiation of a user interface of an application in accordance with a first card defining a first instantiation of the user interface corresponding to a current display state of the user interface, to determine a next display state of the user interface based on a user’s interaction with a portion of the first instantiation of the user interface and in accordance with the first card, which includes state transition rules specifying display states, i.e. cards, to be transitioned to, in the event of various user interactions, and to provision a next instantiation of the user interface in accordance with a second card, separate and distinct from the first card, defining the next instantiation of the use interface corresponding to the next display state of the user interface; and a second plurality of programming instructions to implement at least one other product function, such as for example, receiving a deck of WML cards. Accordingly, the browser of a narrowband device, configured to receive and display WML cards, is considered a “product” like that of claim 25.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Blaine Basom whose telephone number is (571) 272-4044. The examiner can normally be reached on Monday through Friday, from 8:30 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (571) 272-4048. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

btb



RAYMOND J. BAYERL
PRIMARY EXAMINER
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